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In re Application of	:	
SHER, et al.	:	DECISION ON PAPERS
Application No.: 09/914,637	:	
PUT No.: PCT/EP00/01737	:	UNDER 37 CFR 1.42
Int. Filing Date: 28 February 2000	:	
Priority Date: 01 March 1999	:	
Attorney Docket No.: 112843-028	:	
For: FERRIC FORTIFICATION SYSTEM	:	

This is a decision on the papers filed in United States Patent and Trademark Office on 18 January 2002, which are being treated as a request for acknowledgment of status under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 28 February 2000, applicant filed the international application, which claimed a priority date of 01 March 1999. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 08 September 2000. A Demand for international preliminary examination in which the United States was elected was filed prior to the expiration of 19 months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 01 September 2001.

On 31 August 2001, applicant filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by: the requisite basic national fee; a copy of the international application; a copy of the International Search Report; an unexecuted combined declaration and power of attorney; a copy of the International Preliminary Examination Report and a First Preliminary Amendment.

On 23 October 2001, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date and providing a surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the earliest priority date. (37 CFR 1.492(e)). Applicant was afforded two months to file the required response and advised that extensions of time were available pursuant to 37 CFR 1.136(a).

On 18 January 2002, applicant filed the present papers. The papers have been certified as having been deposited for mailing on 20 December 2001 and are therefore considered to be timely filed.

DISCUSSION

Pursuant to 37 CFR 1.42, first sentence:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

The declaration filed 18 January 2002 is executed by Bina VADEHRA as the executor of the estate of deceased joint inventor Dharam Vir VADEHRA. However, the declaration does not set forth the residence, post office address and country of citizenship of Bina VADEHRA as required under 37 CFR 1.497(b). This information must be provided for both the deceased joint inventor, Dharam Vir VADEHRA and the executor, Bina VADEHRA.

CONCLUSION

Applicant's petition under 37 CFR 1.42 is **DISMISSED, without prejudice.**

Applicants are hereby afforded TWO (2) MONTHS from the mail date of this decision to file an oath or declaration in compliance with 37 CFR 1.497 (a)-(b), namely, setting forth the residence, post office address and citizenship of the executor, Bina VADEHRA. Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.42." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter directed to the attention of the PCT Legal Office.



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